

Remarks

The present application includes claims 1-4, 6-15, and 17-21. Claims 1-21 have been rejected by the Examiner. By this Response, claims 1 and 12 have been amended.

The Applicant refers to and incorporates by reference in its entirety the after final response of August 3, 2007. Additionally, the Applicant provides further remarks below.

Claims 1-21 were rejected under 35 U.S.C. 103(a) as unpatentable over Jasper et al. (U.S. Patent No. 6,702,670).

Applicant respectfully traverses the Examiner's rejection for at least the following reasons.

In Jasper, a player plays a first game on a slot machine according to a first set of odds of winning. If the player wins the first game, the player is given the opportunity to wager the winnings on a second "double-up" bonus game. See, e.g., Abstract; Fig. 1; col. 1, lines 62-65; col. 3, lines 13-16. If the player loses the bonus game, the player loses the winnings from the first game. See, e.g., Abstract; Fig. 1; col. 1, lines 62-65; col. 3, lines 20-25. If the player wins the bonus games, the winnings are doubled. See, e.g., Abstract; Fig. 1; col. 2, lines 1-4; col. 3, lines 18-20.

By this Response, independent claims 1 and 12 have been amended to incorporate a feature from original claims 5 and 16, respectively. The amended claims specify that in the game feature a first outcome is guaranteed to be a successful outcome.

Upon being awarded at least one prize in the feature, the player is offered a choice and, if the choice results in a successful outcome, the player has the option of continuing

with the feature. If the choice results in an unsuccessful outcome, the feature ends and a portion, but not all, of the total prize accumulated up to termination of the feature is forfeited.

Among other things, the presently pending claims differ from Jasper in that the player is only offered a choice of continuing after at least one prize has been awarded in the feature. In contrast, Jasper offers the player the choice of doubling up immediately to commence the feature.

The Examiner asserts in the Advisory Action that “consolation prizes during bonus rounds are very well known in the art”. However, the amended claims specify that at least a first outcome is guaranteed to be a successful outcome where a player is awarded a prize of a number of credits. This feature is different from the cited art. Furthermore, the initially-awarded prize is not a consolation prize, i.e. “a prize given to a competitor who just fails to win” (Concise Oxford Dictionary). Since there has not yet been a failure, there is no need for consolation.

Thus, for at least the reasons recited above, the Applicant respectfully submits that claim 1-21 should be allowable over the cited art of record.

Claims 6-9 and 17-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Jasper and further in view of official notice.

As discussed above, Jasper fails to teach or reasonably suggest the limitations recited in claims 1-21. However, the Examiner takes Official Notice as follows:

12. Regarding claims 9 and 20, examiner takes official notice that all games must have a calculated percentage sheet whereas the pay table and game expected win is calculated. These odd calculations are not novel but required for the implementation of any gaming device, and vary according to the game playing features. It would not only be obvious but necessary for one having

ordinary skill in the art, at the time of the applicant's invention, to incorporate these paytables and calculations in the design and reporting of these machines. One would be motivated to do so to comply with gaming regulations. Please review documentation (Nevada Gaming Commission, Minimum Internal Controls Standards, and the University of Reno Class Slots 101), not supplied but cited references as support for official notice.

13. Regarding claims 6-8, and 17-19, Jasper et al. teaches that the probability of the game feature (bonus rounds) is different from the standard game and can vary in many ways. (Col 7:8-11, Col 8:1-20). The examiner takes official notice that the choice to pay more in one bonus and less in another is clearly a design choice and that the game would not be affected by these differences as admitted by applicant in the effort of claiming 3 different embodiments for the bonuses in claims 6, 7, and 8.

Although, as previously stated, the Applicant disagrees with the Examiner's assertion of Official Notice in the context of these pending claims and in terms of whether variation in probabilities and bonus amounts is "clearly a design choice" in the context of the pending claims, the Applicant respectfully submits that the Examiner's statement is moot in view of the amendments to independent claims 1 and 12, from which claims 6-8 and 17-19 depend, for at least the reasons discussed above.

For at least these reasons, the Applicant respectfully submits that at least claims 6-9 and 17-20 should be allowable.

Claims 1 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Jasper in view of Bennett (U.S. Patent No. 6,835,132).

As discussed above, Jasper fails to teach or reasonably suggest the limitations recited in claims 1-21.

As discussed above, in Jasper, a player plays a first game on a slot machine according to a first set of odds of winning. If the player wins, the player is then given the opportunity to wager the winnings on a second "double-up" bonus game, or, if the player loses the bonus game, the player loses the winnings from the first game.

Bennett describes a gaming machine with a bonus indicator that depends on player interaction. In one embodiment, the system determines a random number. A temperature is then displayed, rising up a thermometer. If the player stops the rising thermometer before the random number is reached, the player is awarded a bonus. If a player waits too long to stop the rising temperature, and the temperature exceeds the random number, the player forfeits the bonus. In a second embodiment, a character is shown jumping from an airplane. If the user succeeds in opening the character's parachute before hitting the ground, the player is awarded a bonus. In a third embodiment, a share investment game is shown. An amount awarded to a player depends on a current share price at the time the player chooses to sell shares.

Bennett, at column 4 lines 22-39 indicates that a consolation prize may be paid, even if the player fails to open the character's parachute in time. The Examiner asserts that Bennett's consolation prize, in combination with Jasper, renders the pending claims of present invention obvious.

By this Response, independent claims 1 and 12 have been amended to incorporate a feature from original claims 5 and 16, respectively. The amended claims specify that in the game feature a first outcome is guaranteed to be a successful outcome.

Upon being awarded at least one prize in the feature, the player is offered a choice and, if the choice results in a successful outcome, the player has the option of continuing with the feature. If the choice results in an unsuccessful outcome, the feature ends and a portion, but not all, of the total prize accumulated up to termination of the feature is forfeited.

For example, as illustrated in the flow diagram of Fig. 7A and the description on page 7, a goldmine screen is displayed and the feature starts with the animated character of a miner digging up two prizes. Thereafter, the player is offered the choice of continuing or halting the feature.

The claimed arrangement of initially awarding prizes is distinct from the method of Bennett, in which a consolation prize is awarded at the end of the feature if the player has failed.

The present claims also differ from Jasper in that, among other things, the player is only offered a choice of continuing after at least one prize has been awarded in the feature. In contrast, Jasper offers the player the choice of doubling up and immediately the feature commences.

The Examiner asserts in the Advisory Action that “consolation prizes during bonus rounds are very well known in the art”. However, the amended claims specify that at least a first outcome is guaranteed to be a successful outcome where a player is awarded a prize of a number of credits. This feature is different from the cited art. Furthermore, the initially-awarded prize is not a consolation prize, i.e. “a prize given to a competitor who just fails to win” (Concise Oxford Dictionary). Since there has not yet been a failure, there is no need for consolation.

Therefore, for at least these reasons, the Applicant respectfully submits that claims 1 and 12 and their dependent claims 2-11 and 13-21 should be allowable over the cited art of record.

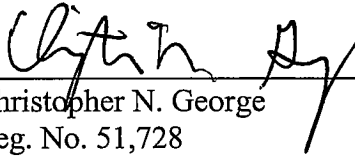
CONCLUSION

It is submitted that the present application is in condition for allowance and a Notice of Allowability is respectfully solicited. If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited and encouraged to contact the Applicant at the number below.

The Commissioner is authorized to charge any additional fees or credit overpayment to the Deposit Account of MHM, Account No. 13-0017.

Respectfully submitted,

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